

**IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION**

MARK MCCLESKEY, TRUSTEE AND INDIANA	)	
STATE COUNCIL OF PLASTERERS AND CEMENT	)	
MASONS HEALTH AND WELFARE AND PENSION	)	
FUNDS	)	No. 1:10-cv-376-LJM-DML
	)	
Plaintiffs,	)	
	)	
	)	
LUCAS STUCCO & EIFS DESIGN, L.L.C.,	)	
a Missouri corporation,	)	
	)	
Defendant.	)	

**MOTION FOR ORDER OF JUDGMENT IN SUM CERTAIN**

Plaintiffs, by one of their attorneys, DONALD D. SCHWARTZ and ARNOLD AND KADJAN, pursuant to F.R.C.P. 55, respectfully request this Honorable Court to enter Judgment in favor of Plaintiffs and against Defendant, LUCAS STUCCO & EIFS DESIGN, L.L.C.

In support thereof, Plaintiffs state:

1. This case was filed on March 29, 2010.
2. Defendant was served with a Summons and Complaint by special process server on May 10, 2010 as shown on the return of service previously filed.
3. An order of default was entered against Defendant on June 29, 2010.
4. Per the affidavit of Richard Wolf, defendant owes for the audit period October 1, 2005 through December 31, 2009 for Area 3 \$66,684.29 benefits, \$6,668.43 liquidated damages and \$81,162.42 penalties and \$1,530.00 audit costs for a total due of 156,045.14. Defendant owes for the audit period October 1, 2005 through December 31, 2009 for Area 59 \$689.48 benefits and \$68.95 liquidated damages for a total due of \$758.43. (Exhibit 1)
5. Per the affidavit of Donald Schwartz, attorney for Plaintiffs, \$1,562.50 in legal

fees have been incurred in this suit. (Exhibit 2)

WHEREFORE, Plaintiffs pray for:

1. Judgment against Defendant in the amount of \$158,366.07.

Respectfully submitted,

Arnold & Kadjan

By: s/ Donald D. Schwartz  
Donald D. Schwartz

Attorney for Plaintiffs, Mark McCleskey et. al.

Arnold & Kadjan  
19 West Jackson Boulevard  
Chicago, Illinois 60604  
Telephone: (312) 236-0415

**CERTIFICATE OF SERVICE**

I hereby certify that on the 9th day of December 2010, a copy of the foregoing Application for Order of Judgment in Sum Certain was filed electronically. The Notice will be sent to the following parties via first class mail, postage prepaid, upon:

Lucas Stucco & EIFS Design, L.L.C.  
c/o its Registered Agent, Norbert Glassl  
200 North Broadway, Ste. 700  
St. Louis, MO 63102

s/Donald D. Schwartz  
Donald D. Schwartz

Donald D. Schwartz  
ARNOLD AND KADJAN  
19 W. Jackson Blvd., Suite 300  
Chicago, IL 60604  
(312) 236-0415  
Email: [dds3662@yahoo.com](mailto:dds3662@yahoo.com)